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OFFICE OF PETITIONS

In re Application of  
Yoshihiko Sugawara  
Application No. 10/718,670  
Filed: November 24, 2003  
Attorney Docket No. 01-520

ON PETITION

This is a decision on the petition filed November 13, 2006, under 37 CFR 1.313(c)(2), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance was mailed on September 27, 2006, with the issue fee being due on or before December 27, 2006. Office records do not show that the issue fee in this case has been paid.

37 CFR 1.313(c)(2) provides for withdrawal of an application from issue after payment of the issue fee. In the instant case, as noted above, the issue fee in reply to the Notice of Allowance of September 27, 2006, has not been received. Therefore, the filing of a petition to withdraw this application from issue is unnecessary at this time. The mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center Art Unit 3661.

Karen Creasy  
Petitions Examiner  
Office of Petitions